

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

_____)	
BERNARD L. ADAMS,)	
Plaintiff,)	
)	
v.)	
)	CIVIL ACTION NO. 08-10828-JLT
LEE B. ADAMS,)	
Defendant.)	
_____)	

MOTION OF LEE B. ADAMS TO DISMISS THE COMPLAINT
FOR LACK OF PERSONAL JURISDICTION AND IMPROPER VENUE

Defendant, Lee B. Adams, moves, pursuant to Fed.R.Civ.12(b)(2), 12(b)(3), to dismiss the complaint for lack of personal jurisdiction and for improper venue.

1. This Court does not have personal jurisdiction over defendant, a resident of Texas who has not transacted any business in Massachusetts for more than twenty years and whose only contacts with Massachusetts during that period were three isolated trips to Massachusetts for family reasons that are unrelated to the claim asserted against him. Accordingly, there is no jurisdiction over him under the Massachusetts long-arm jurisdiction statute, Mass. Gen. Laws. c. 223A. Further, the assertion of jurisdiction over defendant would be inconsistent with the Due Process Clause of the Constitution.

2. Venue does not lie in this Court as plaintiff is unable to establish the requirements of 28 U.S.C. § 1391(a). Defendant does not reside in this judicial district and a substantial part of the events giving rise to this action did not occur here. All pertinent events occurred in Texas, where defendant lives and signed the twenty year old note upon which plaintiff bases his claim. That plaintiff has been, and asserts that he is, a resident of Massachusetts does not satisfy the requirement that a substantial part of the

events giving rise to the claim must occur here.

3. The basis of this motion is set forth in greater detail in defendant's declaration and his memorandum in support of this motion, both of which are filed herewith and incorporated herein.

4. A certification pursuant to L.R. 7.1(A)(2) is attached.

REQUEST FOR ORAL ARGUMENT

5. Defendant believes that oral argument may be of assistance in the resolution of this motion and requests an opportunity to be heard.

By his attorneys,

/s/ Richard L. Binder

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Dated: June 5, 2008

CERTIFICATE OF SERVICE

I, Richard L. Binder, attorney for defendant, hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing

/s/ Richard L. Binder

Richard L. Binder

CERTIFICATION PURSUANT TO L.R. 7.1(A)(2)

I certify, in accordance with Local Rule 7.1(A)(2), that I conferred with Aimee E. Bierman, Esquire in an attempt to resolve or narrow the issues raised in this motion, but that those efforts were not successful.

/s/ Richard L. Binder

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